

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

JOHN MANUEL MONTEZ  
SHAREN LOUISE MONTEZ

CASE NO: 08-70322-HDH-13  
HEARING DATE: 5/20/2009  
HEARING TIME: 11:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2006-08 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
011 0 U	EXECUTIVE SERVICES	\$87.00	012 0 U	HSBC	\$2,698.00
017 0 U	MEDI-COMM SERVICES INC	\$37.00	018 0 U	MIDLAND CREDIT MANAGEMENT	\$891.00
032 0 U	ZALES	\$2,235.00	041 0 U	EXECUTIVE SERVICES	\$340.00

**II.**

**SPECIFIC OBJECTIONS**

No Objections

**III.**

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
<b><u>SECURED CREDITORS</u></b>							
003 0	INTERNAL REVENUE SERVICE	02 INCOME TAXES	\$4,396.00	\$2,955.08	5.00%	60	\$54.26 PAID BY TRUSTEE
021 0 *	TRIAD FINANCIAL CORP	2000 DODGE DAKOTA/ROADLOANS	\$5,367.37	\$5,400.00	10.00%	60	\$127.14 PAID BY TRUSTEE
028 0	BURKBURNETT ISD	08 PROPERTY TAXES--509 OAK; BURKBURNETT, TX	\$925.84	\$7,678.57			PD DIRECT BY DEBTOR
029 0 *	WICHITA FURNITURE SALES & RENT	FURNITURE	\$1,255.45	\$1,300.00	10.00%	60	\$30.47 PAID BY TRUSTEE
No payments will be made until a proof of claim is filed.							
030 0 *	WILSHIRE CREDIT CORP	HOME ARREARS THRU 08/08	\$4,648.70	\$87,281.00	10.00%	60	\$113.30 PAID BY TRUSTEE
035 0 *	CITIFINANCIAL AUTO LTD	2007 GRAND CARAVAN	\$19,787.21	\$20,000.00	10.00%	60	\$462.71 PAID BY TRUSTEE
040 0	WILSHIRE CREDIT CORP	DIR PMT BEGIN 09/08	\$84,145.47	\$87,281.00			PD DIRECT BY DEBTOR
044 0	WICHITA COUNTY	08 PROPERTY TAXES--509 OAK; BURKBURNETT, TX	\$842.58	\$7,678.57			PD DIRECT BY DEBTOR
045 0	BURKBURNETT ISD	07-08 PROPERTY TAXES--AIR JACKS & NON AIR JACKS/VARIOUS TOOLS	\$156.44	\$850.00	12.00%	60	\$3.54 PAID BY TRUSTEE
046 0	WICHITA COUNTY	07-08 PROPERTY TAXES--AIR JACKS & NON AIR JACKS/VARIOUS TOOLS	\$117.91	\$850.00	12.00%	60	\$2.67 PAID BY TRUSTEE

**UNSECURED GENERAL CREDITORS**

Trustee Clm#	Creditor Name	Claim Amount
003 1 U	INTERNAL REVENUE SERVICE <i>SPLIT CLAIM/02 INCOME TAXES</i>	\$1,440.92
013 0 U	ECAST SETTLEMENT CORPORATION <i>PURCHASES/HSBC</i>	\$556.65
016 0 U	SFC CENTRAL BANKRUPTCY & RECOVERY DEPT <i>LOAN/MAVERICK</i>	\$538.90
022 0 U	SALLIE MAE GUARANTEE SERVICES <i>STUDENT LOAN</i>	\$5,917.27
025 0 U	JEFFERSON CAPITAL SYSTEMS <i>PURCHASES/TRIBUTE/COMPUCREDIT CORP.</i>	\$980.96
031 0 U	WORLD ACCEPTANCE CORPORATION <i>LOAN</i>	\$441.57
042 0 U	ECAST SETTLEMENT CORPORATION <i>PURCHASES/ORCHARD/HSBC</i>	\$521.84
057 0 U	INTERNAL REVENUE SERVICE <i>PENALTY</i>	\$15,654.28
062 0 U *	GREEN TREE SERVICING LLC <i>DEFICIENCY</i> <i>Not provided for in confirmed plan.</i>	\$23,489.63

Trustee Clm#	Creditor Name	Claim Amount
008 0 U	ECAST SETTLEMENT CORPORATION <i>PURCHASES/CAPITAL ONE</i>	\$2,285.94
014 0 U	ECAST SETTLEMENT CORPORATION <i>PURCHASES/JCPENNEY</i>	\$301.87
020 0 U *	PORTFOLIO RECOVERY ASSOCIATES LLC <i>PURCHASES/CREDIT STORE -- LATE FILED</i>	\$2,795.79
023 0 U	ROUNDUP FUNDING LLC <i>PURCHASES</i>	\$412.64
026 0 U	TXU ENERGY RETAIL COMPANY <i>PURCHASES</i>	\$1,386.90
033 0 U	COTTONWOOD FINANCIAL <i>PURCHASES/THE CASH STORE</i>	\$433.50
049 0 U	INTERNAL REVENUE SERVICE <i>99-01 INCOME &amp; 04 UNAS LIAB TAXES</i>	\$31,248.98
060 0 U *	VERIZON WIRELESS <i>PURCHASES</i> <i>Not provided for in confirmed plan.</i>	\$147.71
063 0 U *	PORTFOLIO RECOVERY ASSOCIATES LLC <i>PURCHASES</i> <i>Not provided for in confirmed plan.</i>	\$1,431.76

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

**IV.**

**TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2006-08 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

No Modification Needed

/s/ Walter O'Cheskey

Walter O'Cheskey  
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 5/20/2009 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2006-08 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 3/17/2009

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

ANASTASIA MONTEZ 1302 CRAPPIE HAVEN RD HOLLIDAY TX 76366  
ASSISTANT ATTORNEY GENERAL C/O SHELLY M HORTON 4630 50TH STREET SUITE 300 LUBBOCK TX 79414  
BURKBURNETT ISD PO BOX 608 BURKBURNETT TX 76354  
CAPITAL ONE BANK PO BOX 85520 RICHMOND VA 23285  
CITIFINANCIAL AUTO 2208 HWY 121 STE 100 BEDFORD TX 76021  
CITIFINANCIAL AUTO LTD PO BOX 182287 COLUMBUS OH 43218  
COTTONWOOD FINANCIAL 1901 GATEWAY DRIVE SUITE 200 IRVING TX 75038  
CURTIS O BARNES PC PO BOX 1390 ANAHEIM CA 92815  
ECAST SETTLEMENT CORPORATION PO BOX 35480 NEWARK NJ 07193  
EXECUTIVE SERVICES 1200 AUSTIN ST WICHITA FALLS TX 76301  
GREEN TREE 7360 S KYRENE RD MAIL STOP T120 TEMPE AZ 85283  
GREEN TREE SERVICING LLC 345 SAINT PETER STREET L800R SAINT PAUL MN 55102  
HSBC PO BOX 15519 WILMINGTON DE 19850  
HSBC PO BOX 5253 CAROL STREAM IL 60197  
INTERNAL REVENUE SERVICE PO BOX 21125 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE SPECIAL PROCEDURES 1100 COMMERCE ST MC 5027DAL DALLAS TX 75248  
JC PENNEY PO BOX 103106 ROSWELL GA 30076  
JC PENNEY PO BOX 533 DALLAS TX 75221  
JEFFERSON CAPITAL SYSTEMS LLC PO BOX 7999 SAINT CLOUD MN 56302  
JEFFERSON CAPITAL SYSTEMS PO BOX 23051 COLUMBUS GA 31902  
JOHN MANUEL MONTEZ & SHAREN LOUISE MONTEZ 509 OAK BURKBURNETT TX 76354  
MAVERICK FIN PO DRAWER 811 SPARTANBURG SC 29304  
MEDI-COMM SERVICES INC 5139 69TH STREET LUBBOCK TX 79424  
MIDLAND CREDIT MANAGEMENT 8875 AERO DRIVE SUITE 200 SAN DIEGO CA 92123  
MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301  
PINNACLE TRANSPORTATION 2150 SOUTH COUNTRY CLUB DR STE 30 MESA AZ 85210  
PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 12914 NORFOLK VA 23541  
PORTFOLIO RECOVERY ASSOCIATES PO BOX 41067 NORFOLK VA 23541  
ROAD LOANS.COM 5201 RUFÉ SNOW DRIVE #400 NORTH RICHARD HILLS TX 76180  
ROUNDUP FUNDING LLC PO BOX 91121 MS 550 SEATTLE WA 98111  
SALLIE MAE 1002 ARTHUR DR LYNN HAVEN FL 32444  
SALLIE MAE GUARANTEE SERVICES DEPOSIT OPERATIONS PO BOX 7167, 8301 INDIANAPOLIS IN 46206  
SALLIE MAE PO BOX 9430 WILKES-BARRE PA 18773  
SFC CENTRAL BANKRUPTCY & RECOVERY DEPT 209 DAWSON RD STE 4-B COLUMBIA SC 29223  
TARGET NATIONAL BANK PO BOX 9475 MINNEAPOLIS MN 55440  
TEXAS CHILD SUPPORT DISBURSEMENT UNIT PAYMENT ONLY PO BOX 659791 SAN ANTONIO TX 78265  
THE CASH STORE 3900 SHEPPARD ACCESS ROAD WICHITA FALLS TX 76308  
TRIAD FINANCIAL CORP 5201 RUFÉ SNOW DR STE 400 NORTH RICHLAND HILLS TX 76180  
TRIBUTE PO BOX 105555 ATLANTA GA 30348  
TXU ENERGY 200 W JOHN CARPENTER FWY IRVING TX 75039  
TXU ENERGY RETAIL COMPANY C/O BANKRUPTCY DEPARTMENT PO BOX 650393 DALLAS TX 75265  
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE 3RD FLOOR DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530  
VERIZON WIRELESS 618 GRASSMERE PARK SUITE 14 NASHVILLE TN 37211  
VERIZON WIRELESS PO BOX 3397 BLOOMINGTON IL 61702  
WICHITA CO CITY OF BURKBURNETT BURK ISD C/O HAROLD LEREW PO BOX 8188 WICHITA FALLS TX 76307  
WICHITA COUNTY PO BOX 1471 WICHITA FALLS TX 76307  
WICHITA FURNITURE SALES & RENT 1000 INDIANA STREET WICHITA FALLS TX 76301  
WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242  
WILSHIRE CREDIT CORP PO BOX 8517 PORTLAND OR 97207  
WILSHIRE CREDIT CORPORATION PO BOX 1650 PORTLAND OR 97207  
WORLD ACCEPTANCE CORPORATION ATTN: BANKRUPTCY PROCESSING CENTER PO BOX 6429 GREENVILLE SC 29606  
WORLD FINANCE CORP 928 INDIANA STREET WICHITA FALLS TX 76301  
ZALES PO BOX 6497 SIOUX FALLS SD 57117